

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.622(i),
Final DTV Table of Allotments,
Television Broadcast Stations.
(Riverside, California)

)
) MB Docket No. 08-30
) RM-11419
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)

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APR 18 2008
Federal Communications Commission
Office of the Secretary

To: Office of the Secretary
Attn: Chief, Video Division, Media Bureau

COMMENTS

KRCA License LLC ("KRCA License"), licensee of Station KRCA-DT, Riverside, California, hereby submits its Comments in the above captioned proceeding. *See Notice of Proposed Rule Making (NPRM)*, DA 08-504, released March 5, 2008. The *NPRM* proposes to allot Channel 35 to Riverside, California, for use by KRCA-DT as its post-transition digital channel. KRCA License strongly supports this proposal and hereby affirms its interest in applying for Channel 35 at Riverside. If the Commission allots Channel 35 to Riverside, KRCA License will file an application for Channel 35 at Riverside, and will construct the facilities if such application is granted. As noted in the *NPRM*, this change is necessary to ensure that "KRCA-DT will have a channel on which to continue broadcasting after February 17, 2009."¹ In support hereof, KRCA License states as follows:

As recognized by the Commission, "the unique circumstances of this case warrant consideration of KRCA's proposed channel substitution."² KRCA-DT is an independent, full-power foreign language television station that has served the community of Riverside, California since 1989. In fact, it is the only television station licensed to Riverside, California. It is also

¹ *NPRM* at ¶1.

² *Id.* at ¶6.

one of only a handful of - if not the only - station that (i) broadcasts on two out-of-core channels, (ii) is located in the Mexican border zone and has been assigned a post-transition channel that has not yet been cleared by the Government of Mexico, and (iii) operates in the exceedingly congested Los Angeles market. Further, because it operates on two out-of-core channels, KRCA-DT was precluded from participating in the first round of digital channel elections.³ Collectively, these factors have significantly limited the options for a post-transition digital channel for KRCA-DT.

In the second round of the digital channel election process, KRCA-DT proposed Channel 35 for its final post-transition DTV channel allotment.⁴ However, in its *Seventh Report and Order and Eighth Notice of Proposed Rule Making*, the Commission designated Channel 45 rather than Channel 35 as KRCA-DT's final, post-transition DTV allotment.⁵ KRCA License was willing to accept an allotment on Channel 45.⁶ But, as detailed in the *NPRM*, significant obstacles including, most importantly, the need for Mexican coordination, inhibit KRCA-DT's ability to build its final post-transition facility and to commence digital operations on Channel 45 before Congress' "hard deadline" of February 17, 2009. The coordination process has been protracted and Channel 45 has not yet been accepted by Mexico. Further, due to a Channel 45 allotment at Tijuana, Mexico, it is unclear whether the Government of Mexico will ever approve Channel 45.

As the Commission notes, "[w]ere we to require KRCA to wait for us to complete coordination of channel 45, there is no certainty that KRCA-DT would be able to complete

³ See *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279, ¶44 (2004).

⁴ See BSRECT-20051028ACX.

⁵ *Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service*, 22 FCC Rcd 15581, Appendix B (2007).

⁶ See *Comments of KRCA License*, MM Docket No. 87-268 (filed October 25, 2007).

construction of its DTV facilities by the end of the DTV transition.”⁷ This would not only put KRCA License in the untenable position of having to cease operation of KRCA-DT on February 17, 2009, it would also result in the loss of an independent station in the Los Angeles market and the loss of Riverside’s only television station. There is, however, a solution. As proposed in the *NPRM*, Channel 35 has already been accepted by Mexico and is available as a post-transition channel. KRCA License is willing to accept this channel as it is the “only way to ensure that KRCA-DT is operational with its post-transition facilities by February 17, 2009 ...”⁸ It is for these unique reasons that KRCA License strongly supports the Commission’s proposed amendment to the Final DTV Table of Allotments to substitute Channel 35 for Channel 45 at Riverside, California for use by KRCA-DT.

Finally, KRCA License encourages the Commission to grant the *NPRM* as expeditiously as possible once the comment period has ended. As the Commission is well aware, the DTV conversion deadline is a mere 10 months away. Because there is still uncertainty regarding KRCA-DT’s final post-transition digital channel, it has been unable to order any equipment for its new channel and cannot do so until its post-transition channel is finalized.⁹

⁷ *NPRM* at ¶6.

⁸ *Id.* KRCA-DT’s operation on Channel 35 will be limited to the existing digital operations on Channel 35 which were previously approved by Mexico. *Id.* at ¶7. The parameters of these operations, which will replace KRCA-DT’s current Appendix B parameters, are contained in an Erratum to the *NPRM* released on March 7, 2008. If, however, before this rule making proceeding is completed, Mexico approves Channel 35 with the KRCA-DT certified Appendix B facilities, KRCA License supports the assignment of those parameters. *See, NPRM* at ¶8.

⁹ Further delay could jeopardize the ability of KRCA License to complete construction timely, due to manufactures’ delivery constraints.

Respectfully submitted,

KRCA LICENSE LLC

By: Marnie K. Sarver

Marnie K. Sarver

Scott Woodworth

Wiley Rein LLP

1776 K Street, NW

Washington, DC 20006

202-719-4289

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Its Counsel